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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,253	07/23/2003	Timothy R. Baer	KTN-603US	9306
23122	7590	04/15/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			CRAWFORD, GENE O	
		ART UNIT	PAPER NUMBER	3651

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/625,253	BAER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gene O. Crawford	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-9, 11 and 15-20 is/are allowed.
- 6) Claim(s) 12-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/24/2004.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hay et al.('289).

A bulk materials pump feeder disclosed by Hay et al. includes all the claimed features and in particular includes: (**claim 12**) a housing (figure 5) having an inlet 114, an outlet 116, an inner wall 190 extending from the inlet to the outlet; a drive rotor 142 having a hub rotatable about an axis; a plurality of drive disks 121-124; a material scraper 201 mounted in the housing; extending into the drive rotor between the disks and having a flexible tip preventing material handled by bulk materials pump feeder from either flowing backward to a discharge point proximate the outlet; the housing further having a recess in an inner wall 202 downstream of the outlet and upstream from the inlet relative to the direction of rotation of the drive rotor 142 wherein the scraper is mounted in the recess (figure 5); (**claim 13**) the teaching of a materials scraper that has a plurality of scraping tips, i.e. two in contact with the drive rotor, between each of the drive disks (figure 1); and (**claim 14**) the teaching of a materials scraper having a continuous scraping surface as broadly claimed in between each drive disks (figure 1).

### ***Allowable Subject Matter***

3. Claims 1-9 and 15-20 are allowed.

4. The following is an examiner's statement of reasons for allowance: a bulk materials pump feeder including the unique features of 'a means disposed on the periphery of the drive disks for sealing the area between the periphery of the drive disks and the inner wall of the housing'; 'wherein the disks and the inner wall of the housing increases from the inlet of the housing to the outlet of the housing in the direction of rotation of the rotor' and 'the hub having a textured surface' all in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

5. Applicant's arguments filed with respect to claims 12-14 have been fully considered but they are not persuasive. With regard to claim 12, applicant argues that there is no mention, illustration or suggestion of a recess in housing wall 190 of Hay, let alone a recess for a materials scraper. However, applicant has only done a piecemeal analysis of Hay in not recognizing that the housing disclosed in Hay has both a front housing wall 202 and rear housing wall 190. While it is true rear inner housing wall 190 does not have a recess for a materials scraper, front inner housing wall 202 does have a recess that is downstream from the outlet of the housing and upstream from the inlet of the housing relative to the direction of rotation of the drive rotor. While Hay does not

affirmatively disclose the recess, Hay does teach that the scraper 200 can be attached to the inner housing wall 202 by any suitable means including, but not limited to, threaded connectors or rivets. It is inherent in the use of threaded connectors and rivets that both the scraper and the inner housing wall would require recesses to be affixed to the one another. With regard to claim 13, that Hay merely discloses abutment sections having a single tip, as opposed to multiple tips between each of the drive disks. However, Hay does disclose the broad prior art teaching of a scraper that includes two scraping tips between drive disks (figure 1). With regard to claim 14, applicant argues Hay does not disclose a scraper having a continuous scraping surface mirroring the shape of the drive rotor. However, Hay does disclose the broad prior art teaching of a scraper having a scraping surface in between two scraping tips that mirrors the shape of the drive rotor (figure 1). For the foregoing reasons claims 12-14 stand rejected.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 571/272-6911. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571/272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gene O. Crawford  
Primary Examiner  
Art Unit 3651

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